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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.  |
|--|-------------|----------------------|-------------------------|-------------------|
| 09/929,461   | 08/14/2001  | Harley Kent Heinrich | 411951-222              | 9058              |
| 7590 10/09/2003  |             |                      |                         |                   |
| O'MELVENY & MYERS LLP<br>400 So. Hope Street<br>Los Angeles, CA 90071-2899 |             |                      | EXAMINER<br>TANG, SON M |                   |
|  |             |                      | ART UNIT<br>2632        | PAPER NUMBER<br>7 |

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,461

Applicant(s)

HEINRICH ET AL.

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-7 and 10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eberhardt** [US 5,382,784] in view of **Schultz** [US 6,036,093].

**Regarding to claims 1 and 10:** **Eberhardt** discloses an apparatus for scanning radio frequency identification data from at least one RFID tag, comprising,

-a housing [14] containing at least a portion of an RFID scanner [52] [as shown in Fig. 1-2 and 4 and Summary of the Invention], **Eberhardt** does not specify that the hand-held reader having a means for affixing the housing to a portion of an operator's body.

**Schultz** teaches a hand-held scanner which comprising a wrist wearable strap [93] as shown in [Fig. 26-35 and col. 7, lines 1-42]. It would have been obvious of one having ordinary skill in the art at the time the invention was made to modify the hand-held scanner with a wrist strap as taught by Schultz with the RFID and bar code hand-held device of **Eberhardt** for the advantage that the user can be relaxed one hand, since it is a hand free scanner and does not need to hold the scanner all the time, some scanner may heavy in weight which would cause fatigue to the hand, if hold it for a long period of time.

**Regarding to claims 2-4 and 11-13:** **Eberhardt** and **Schultz** disclose all the limitation as described above, **Eberhardt** further discloses a radio transceiver (which met by a rf

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reader 52), a microprocessor 54 and antenna [40] [as shown in Fig. 1-2 and 4], Eberhardt does not specific disclose that the transceiver is coupled to the antenna and processor for controlling operation of the radio transceiver and they are disposed externally of said housing. It would have been obvious to one having ordinary skill in the art would coupled the transceiver to the antenna in order to transmit and receive any information and also uses the processor to control operation of the transceiver which had been programmed and they can be arranged in any positions as it is desired, since there is no particular orientation which shows that the RFID scanner is not performing any better.

**Regarding to claims 5 and 14:** Eberhardt further discloses wherein the housing contains a power source [58] adapted to provide power for scanner [see col. 5, lines 1-2].

**Regarding to claims 6 and 15:** Schultz further discloses a strap [92, 93] adapted to affix the housing to a wrist of the operator.

**Regarding to claims 7 and 16:** Eberhardt further discloses a RF means for communicating said RFID data to an external system 51 [as cited in Fig. 4, col. 5, lines 5-15].

3. Claims **8-9 and 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eberhardt** in view of **Schultz** in claim 1 above, and further in view of **Bard et al.** [US 5,610,387].

**Regarding to claims 8 and 17:** Eberhardt and Schultz disclose the instant claimed invention except for: the means for communicating said RFID data to wireless local area network.

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Bard et al. teach a scanning system worn on operator's body which comprising, a means for communicating data to a wireless local network component [col. 17, lines 57-63]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a component for communicating data through local network as taught by reference of Bard et al. into the system of combination above, for the advantage of faster transmission, because the wireless local area network transceivers are available in the area.

**Regarding to claims 9 and 18:** Bard et al. further teach a transceiver for communicating which using an infrared frequency link [see col. 8, lines 1-2]. It would have been obvious in skill in the artisan would motivated to use any well-known frequency type (such as infrared ) for it own purpose.

**Regarding to claims 19-20:** Eberhardt discloses a trigger [38] for manually actuate the scanner. Eberhart and Schultz are not specifying wherein the scanner is automatically scans without manual intervention by the operator.

Bard et al. teach a scanning system which comprising, an automatically actuation the scan when the RFID tag in proximity to said housing [as shown in Fig. 2, col. 9, lines 40-52]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an automatic actuation component as taught by Bard et al. into the system of Schultz for the advantage of convenience and conserve energy.

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*Conclusion*

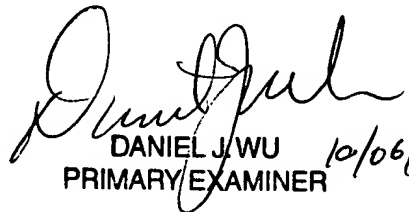
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ball et al. [US 5,610,386], Reddersen et al. [US 5,563,402], Bridgelall [US 6,264,106] and Mcallister [US 6,415,978].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3988 for regular communications and (703)305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Son Tang  
October 6, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER 10/06/03